

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

JEFFREY DESKOVIC,

Plaintiff,

vs.

CITY OF PEEKSKILL, PUTNAM COUNTY,  
WESTCHESTER COUNTY, DAVID LEVINE,  
THOMAS MCINTYRE, WALTER BROVARSKI,  
EUGENE TUMOLO, JOHN AND JANE DOE  
SUPERVISORS, DANIEL STEPHENS, LOUIS  
ROH, MILLARD HYLAND, PETER INSERO, and  
LEGAL AID SOCIETY OF WESTCHESTER  
COUNTY,

Defendants.

Index No. CV-07-8150 (KMK)(GAY)

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE  
AS TO  
TRAVELERS INDEMNITY COMPANY  
as successor-in-interest to GULF  
INSURANCE COMPANY  
REGARDING  
PEEKSKILL'S THIRD-PARTY ACTIONS  
IN BOTH THE *DESKOVIC* AND  
*MCGARR* ACTIONS**

LINDA MCGARR,

Plaintiff,

vs.

CITY OF PEEKSKILL, WESTCHESTER  
COUNTY, DAVID LEVINE, THOMAS  
MCINTYRE, WALTER BROVARSKI, EUGENE  
TUMOLO, JOHN AND JANE DOE  
SUPERVISORS, DANIEL STEPHENS, LOUIS  
ROH, AND MILLARD HYLAND,

Defendants.

Index No. CV-07-9488 (KMK)(GAY)

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CITY OF PEEKSKILL,

Third-Party Plaintiff,

vs.

WESTPORT INSURANCE CORPORATION as  
successor-in-interest to NORTH RIVER  
INSURANCE COMPANY, WESTPORT  
INSURANCE CORPORATION as a successor-in-  
interest to INTERNATIONAL INSURANCE  
COMPANY, UNDERWRITERS AT LLOYD'S,  
LONDON, CX REINSURANCE COMPANY  
LIMITED as successor-in-interest to CNA  
INTERNATIONAL REINSURANCE  
COMPANY, CX REINSURANCE COMPANY  
LIMITED as successor-in-interest to CNA  
REINSURANCE OF LONDON, LIMITED,  
SPHERE DRAKE INSURANCE PLC, ILLINOIS  
UNION INSURANCE COMPANY, UNITED  
NATIONAL INSURANCE COMPANY,  
TRAVELERS INDEMNITY COMPANY as  
successor-in-interest to GULF INSURANCE  
COMPANY, AMERICAN MOTORISTS  
INSURANCE COMPANY as successor-in-  
interest to AMERICAN PROTECTION  
INSURANCE COMPANY, AMERICAN  
MOTORISTS INSURANCE COMPANY as  
successor-in-interest to SPECIALTY NATIONAL  
INSURANCE COMPANY, HARCO NATIONAL  
INSURANCE COMPANY, and AMERICAN  
ZURICH INSURANCE COMPANY

Third-Party Defendants.

**WHEREAS**, Third-Party Plaintiff City of Peekskill ("Plaintiff" or "Peekskill") has asserted claims against Third Party Defendant Travelers Indemnity Company as successor-in-interest to Gulf Insurance Company ("Travelers") in the above-captioned Third-Party Actions filed in both *Deskovic v. City of Peekskill, et al.*, No. 07-CV-8150 (the "*Deskovic* Action") and *McGarr v. City of Peekskill, et al.*, No. 07-CV-9488 (the "*McGarr* Action").

**WHEREAS**, the undersigned parties hereby give notice that the above-captioned Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions is voluntarily dismissed, with prejudice, against Travelers.

**WHEREAS**, the above-captioned Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions filed against the remaining Third-Party Defendants have or will be dismissed with or without prejudice by separate stipulations so that the Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions will each be dismissed in their entirety.

**WHEREAS**, Peekskill and Travelers seek to reduce the expense and burden of litigation to themselves, to the other parties in this action, and to the Court.

**NOW, THEREFORE**, in consideration of this Stipulation of Dismissal With Prejudice, Peekskill and Travelers, by and through their respective counsel of record, hereby mutually agree to the following:

**STIPULATION OF DISMISSAL WITH PREJUDICE**

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned parties that all claims are dismissed with prejudice as against Travelers pursuant to Federal Rule of Civil Procedure 41 and court order.

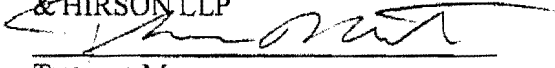
**IT IS FURTHER STIPULATED AND AGREED**, that each undersigned party shall bear its own costs and attorneys' fees.

**IT IS FURTHER STIPULATED AND AGREED**, that this Stipulation may be signed in counterparts with all counterparts together constituting one complete Stipulation and that signatures received by facsimile or e-mail shall be deemed an original for purposes of this Stipulation.

*[signatures pages to follow]*

*January 14, 2014*  
Dated: ~~December~~ 14, 2013

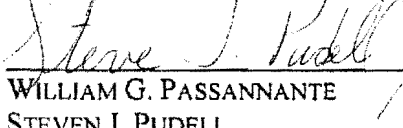
PUTNEY TWOMBLY HALL  
& HIRSON LLP

By:   
THOMAS MARTIN  
521 FIFTH AVENUE  
NEW YORK, NEW YORK 10175

ATTORNEYS FOR THIRD-PARTY  
DEFENDANT TRAVELERS  
INDEMNITY COMPANY AS  
SUCCESSOR-IN-INTEREST TO GULF  
INSURANCE COMPANY

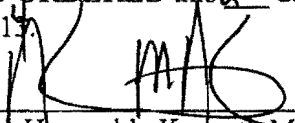
*January 21, 2014*  
Dated: ~~December~~ 21, 2013

ANDERSON KILL P.C.

By:   
WILLIAM G. PASSANNANTE  
STEVEN J. PUDELL  
1251 AVENUE OF THE AMERICAS  
NEW YORK, NEW YORK 10020  
TEL: (212) 278-1000

ATTORNEYS FOR THIRD-PARTY  
PLAINTIFF CITY OF PEEKSKILL

SO ORDERED this 24<sup>th</sup> *January* day of ~~December~~,  
2013.

  
The Honorable Kenneth M. Karas  
United States District Judge